

REMARKS

In this paper, claims 1, 15, 28, and 55 are currently amended, claims 59-69 have been canceled, and claims 90-93 have been added. After entry of the above amendment, claims 1-58 and 70-93 are pending, and claims 59-69 are canceled.

Claims 1-58 and 70-89 were rejected under 35 U.S.C. §102(b) as being anticipated by Ose (US 5,768,945). This basis for rejection is respectfully traversed.

Ose discloses a bicycle shift control device comprising a winder (3) rotatably mounted to a spindle (2), a positioning member (16) mounted to winder (3) so that positioning member (16) and winder (3) rotate as a unit, a winding lever (4) that moves a feed pawl (6) against ratchet teeth (16a) of positioning member (16) to rotate positioning member (16) and winder (3) in a cable winding direction, and a rewinding lever (10) with a release member (23) that controls the operation of first and second positioning pawls (8) and (9) to control the rotation of winder (3) in a cable unwinding direction. Winding lever (4) moves from an initial position (N1) to an operating position to control the rotation of winder (3) in the cable winding direction, and winding lever (4) automatically returns to the initial position (N1) after the gear shift operation in response to the biasing action of a return spring (21). Similarly, rewinding lever (10) moves from an initial position (N2) to an operating position to control the rotation of winder (3) in the cable unwinding direction, and rewinding lever (10) automatically returns to the initial position (N2) after the gear shift operation in response to the biasing action of a return spring (24).

Independent claims 1, 15 and 28 have been amended to clarify that the first lever automatically stops at a plurality of positions corresponding to gear positions of the bicycle transmission in addition to beginning and end positions of a range of motion of the first lever. Ose's winding lever (4) and rewinding lever (10) at most stop at their beginning and end positions. Thus, Ose neither discloses nor suggests a first lever that automatically stops at a plurality of positions corresponding to gear positions of the bicycle transmission in addition to beginning and end positions of a range of motion of the first lever.

Independent claim 41 recites a positioning member that maintains the positioning unit in each of the plurality of positions, wherein the positioning member comprises a material that deforms in response to excessive force applied between the positioning member and the positioning unit to release the positioning unit from a maintained position. Ose neither discloses nor suggests such a positioning member, and it is unknown how the various components in the Ose device would react in response to an excessive force.

In addition to the above, Ose also fails to disclose or suggest positioning member that flexes in response to excessive force applied between the positioning member and the positioning unit to release the positioning unit from the maintained position as recited in new claim 90; and wherein the positioning member comprises a pawl having a pawl tooth disposed on a pawl body, wherein a slit is disposed between the pawl tooth and the pawl body so that the pawl tooth flexes relative to the pawl body to release the positioning unit from the maintained position as recited in claim 92.

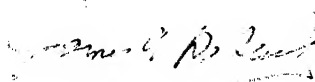
Independent claim 55 has been amended to clarify that the second lever moves in a second lever direction to initiate movement of the positioning unit in the second gear position direction. As recited previously in the claim, a first lever moves in a first lever direction to move the positioning unit in a first gear position direction. As recited later in the claim, the first lever direction is the same as the second lever direction. In the Ose patent, rewinding lever (10) moves clockwise to initiate movement of winder (3), whereas winding lever (4) moves counterclockwise to initiate movement of winder (3). Furthermore, insofar as pawl (9) is interpreted to be a motion limiting member, pawl (9) moves counterclockwise and therefore does not move in the second direction as required by the claim.

Independent claim 70 recites a positioning member that moves along a first path between an engagement position, where the positioning member engages the positioning unit, and a disengagement position where the positioning member is disengaged from the positioning unit. Furthermore, the positioning member moves along a second path that is different from the first path. Ose neither discloses nor suggests such movement of a positioning member.

In addition to the above, Ose also fails to disclose or suggest movement of the positioning member along the second path that includes movement other than rotation of the positioning member as recited in claim 71; wherein movement of a positioning pawl along the second path includes movement other than rotation of the positioning pawl as recited in claim 79; wherein the positioning pawl moves along the second path when the positioning unit rotates to at least one of the plurality of positions and the positioning pawl is in the engagement position as recited in claim 84; wherein the positioning pawl comprises a mounting axle that engages an elongated opening disposed with the mounting member, wherein the positioning pawl rotates around the mounting axle to move along the first path between the engagement position and the disengagement position, and wherein the mounting axle moves within the elongated opening to move along the second path as recited in claim 87; and wherein the positioning member moves along the second path when the positioning member is in the engagement position as recited in new claim 93.

Accordingly, it is believed that the rejection under 35 U.S.C. §102 has been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



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